AO 247 (02/08) Order Regarding Motion for Sentence Reduction

UNITED STATES DISTRICT COURT
for the

District of Massachusetts

United States of America	)
v.	)
LUIS RIVERA	) Case No: 05-30032-RCL
	) USM No: 90872-038
Date of Previous Judgment: 10/31/2006	) Charles W. Rankin, Esq.
(Use Date of Last Amended Judgment if Applicable)	) Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☑ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED.   ☑ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 37 months **is reduced to** _30 months_ .

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level:	19	Amended Offense Level:	17
Criminal History Category:	I	Criminal History Category:	I
Previous Guideline Range:	30 to 37 months	Amended Guideline Range:	24 to 30 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☑ The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☐ Other (explain):

III. ADDITIONAL COMMENTS

This order is entered without prejudice to its renewal before judge Lindsay when he returns to the bench. WGY

Except as provided above, all provisions of the judgment dated 10/31/2006 shall remain in effect.

IT IS SO ORDERED.

Order Date: _April 2, 2008_

William G. Young
Judge's signature

Effective Date: _____
(if different from order date)

William G. Young, U.S. District Judge
Printed name and title